

**Introduced by Senator Simitian**

February 18, 2011

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An act to amend Section 47607 of the Education Code, relating to charter schools.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 645, as introduced, Simitian. Charter schools: charter renewal.

The Charter Schools Act of 1992 (Charter Schools Act) specifies the procedures for the submission, review, and approval or denial of a petition to establish a charter school. The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The Charter Schools Act prescribes the requirements a charter school must meet in order to have its charter renewed, including a requirement that a charter school that has been in operation for 4 years satisfy at least one of several specified criteria regarding academic performance.

This bill would change the criteria a charter school is required to meet in order to have its charter renewed. The bill would require the Superintendent of Public Instruction to identify the charter schools that have not met the renewal criteria and notify the charter school and its authorizer. The bill would prohibit the renewal of a charter of a school that does not meet the criteria unless the State Board of Education approves the renewal. The bill would authorize a charter school that does not meet the renewal criteria but wants the state board to consider approving the renewal of its charter to submit to the Superintendent copies of supporting documentation and a written summary of the basis for its request. The bill would require the Superintendent to review the

materials and recommend to the state board whether it should approve or disapprove the charter renewal.

The bill would authorize the state board to replace or revise the renewal criteria established by this bill if the new or revised criteria aligns with metrics of pupil performance that recognize individual pupil progress or changes in the state school accountability program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 47607 of the Education Code is amended  
2 to read:

3 47607. (a) (1) A charter may be granted pursuant to Sections  
4 47605, 47605.5, and 47606 for a period not to exceed five years.  
5 A charter granted by a school district governing board, a county  
6 board of education or the state board, may be granted one or more  
7 subsequent renewals by that entity. Each renewal shall be for a  
8 period of five years. A material revision of the provisions of a  
9 charter petition may be made only with the approval of the  
10 authority that granted the charter. The authority that granted the  
11 charter may inspect or observe any part of the charter school at  
12 any time.

13 (2) Renewals and material revisions of charters are governed  
14 by the standards and criteria in Section 47605, and shall include,  
15 but not be limited to, a reasonably comprehensive description of  
16 any new requirement of charter schools enacted into law after the  
17 charter was originally granted or last renewed. *A renewal decision*  
18 *shall be based primarily on an assessment of the actual academic*  
19 *and operational performance of the charter school.*

20 ~~(b) Commencing on January 1, 2005, or after a charter school~~  
21 ~~has been in operation for four years, whichever date occurs later,~~  
22 ~~a charter school shall meet at least one of the following criteria~~  
23 ~~prior to receiving a charter renewal pursuant to paragraph (1) of~~  
24 ~~subdivision (a):~~

25 ~~(1) Attained its Academic Performance Index (API) growth~~  
26 ~~target in the prior year or in two of the last three years, or in the~~  
27 ~~aggregate for the prior three years.~~

28 ~~(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior~~  
29 ~~year or in two of the last three years.~~

~~(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.~~

~~(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.~~

~~(B) The determination made pursuant to this paragraph shall be based upon all of the following:~~

~~(i) Documented and clear and convincing data.~~

~~(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.~~

~~(iii) Information submitted by the charter school.~~

~~(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.~~

~~(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.~~

~~(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.~~

*(b) After a charter school has been in operation for four years, it shall meet at least one of the following criteria before having its charter renewed pursuant to paragraph (1) of subdivision (a) or complete the process described in subdivision (c):*

*(1) Attain an Academic Performance Index (API) score of at least 700 in the most recent year.*

*(2) Attain a cumulative API growth of at least 30 points over the last three API cycles. For purposes of this paragraph, an API*

1 cycle represents the difference between a current year growth API  
2 and the prior year's base API.

3 (3) Rank in deciles 6 to 10, inclusive, on the API for a  
4 demographically comparable school in the prior year or in two of  
5 the last three years for which similar school ranks are available  
6 as of October 1. A school that does not generate a similar school  
7 rank shall be deemed not to have met this criterion.

8 (4) Qualify for an alternative accountability system pursuant  
9 to subdivision (h) of Section 52052.

10 (c) (1) By October of each year, the Superintendent shall  
11 identify the charter schools that have not met the criteria in  
12 subdivision (b) and notify the charter school and its authorizer of  
13 that fact.

14 (2) If a charter is due to expire within the school year, or the  
15 chartering authority is considering early renewal of the charter,  
16 the chartering authority shall not renew a charter of a school that  
17 does not meet the criteria in subdivision (b) unless the state board  
18 approves of the renewal.

19 (3) If a charter school does not meet the criteria in subdivision  
20 (b) and wants the state board to consider approving the renewal  
21 of its charter, the charter school shall submit to the Superintendent,  
22 by November 15, copies of supporting documentation and a written  
23 summary of the basis for its request. The documentation may  
24 include information on individual pupil achievement, additional  
25 analysis of similar pupil populations, or other data.

26 (4) The Superintendent shall review the materials and  
27 recommend to the state board whether it should approve or  
28 disapprove the charter renewal.

29 (5) At the next meeting following receipt of the Superintendent's  
30 recommendation, the state board may take action to approve  
31 renewal of the charter if it finds that the materials provided by the  
32 charter school warrants renewal. Unless the state board approves  
33 the charter renewal, the chartering authority shall not renew the  
34 charter.

35 (d) The state board may replace the criteria in subdivision (b)  
36 or revise that criteria if the new or revised criteria aligns with  
37 metrics of pupil performance that recognize individual pupil  
38 progress or changes in the Public School Performance  
39 Accountability Program (Article 2 (commencing with Section  
40 52051) of Chapter 6.1 of Part 28).

~~(e)~~

(e) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of law.

~~(d)~~

(f) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

~~(e)~~

(g) Prior to revoking a charter for failure to remedy a violation pursuant to subdivision ~~(d)~~ (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

~~(f)~~

(h) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may

1 appeal the revocation to the county board of education within 30  
2 days following the final decision of the chartering authority.

3 (2) The county board may reverse the revocation decision if the  
4 county board determines that the findings made by the chartering  
5 authority under subdivision~~(e)~~ (g) are not supported by substantial  
6 evidence. The school district may appeal the reversal to the state  
7 board.

8 (3) If the county board does not issue a decision on the appeal  
9 within 90 days of receipt, or the county board upholds the  
10 revocation, the charter school may appeal the revocation to the  
11 state board.

12 (4) The state board may reverse the revocation decision if the  
13 state board determines that the findings made by the chartering  
14 authority under subdivision~~(e)~~ (g) are not supported by substantial  
15 evidence. The state board may uphold the revocation decision of  
16 the school district if the state board determines that the findings  
17 made by the chartering authority under subdivision~~(e)~~ (g) are  
18 supported by substantial evidence.

19 ~~(g)~~

20 (i) (1) If a county office of education is the chartering authority  
21 and the county board revokes a charter pursuant to this section,  
22 the charter school may appeal the revocation to the state board  
23 within 30 days following the decision of the chartering authority.

24 (2) The state board may reverse the revocation decision if the  
25 state board determines that the findings made by the chartering  
26 authority under subdivision~~(e)~~ (g) are not supported by substantial  
27 evidence.

28 ~~(h)~~

29 (j) If the revocation decision of the chartering authority is  
30 reversed on appeal, the agency that granted the charter shall  
31 continue to be regarded as the chartering authority.

32 ~~(i)~~

33 (k) During the pendency of an appeal filed under this section,  
34 a charter school, whose revocation proceedings are based on  
35 paragraph (1) or (2) of subdivision~~(e)~~ (e), shall continue to qualify  
36 as a charter school for funding and for all other purposes of this  
37 part, and may continue to hold all existing grants, resources, and  
38 facilities, in order to ensure that the education of pupils enrolled  
39 in the school is not disrupted.

40 ~~(j)~~

1 (l) Immediately following the decision of a county board to  
2 reverse a decision of a school district to revoke a charter, the  
3 following shall apply:

4 (1) The charter school shall qualify as a charter school for  
5 funding and for all other purposes of this part.

6 (2) The charter school may continue to hold all existing grants,  
7 resources, and facilities.

8 (3) Any funding, grants, resources, and facilities that had been  
9 withheld from the charter school, or that the charter school had  
10 otherwise been deprived of use, as a result of the revocation of the  
11 charter shall be immediately reinstated or returned.

12 ~~(k)~~

13 (m) A final decision of a revocation or appeal of a revocation  
14 pursuant to subdivision~~(e)~~ (e) shall be reported to the chartering  
15 authority, the county board, and the department.